DOCUMENT RESUME

ED 077 099 EA 004 987

AUTHOR	Licht, Kenneth F.
TITLE	The Occupational Safety and Health Act: Implications for School Administration.
PUB DATE	26 Feb 73
NOTE	5p.; Paper presented at American Association of School Administrators Annual Convention (105th, Atlantic City, New Jersey, February 24-28, 1973)
EDRS PRICE	MF-$0.65 HC-$3.29
DESCRIPTORS	Administrator Responsibility; *Educational Facilities; Educational Programs; *Federal Legislation; Guidelines; *Instructional Programs; Safety Education; *School Administration; *School Safety; Speeches; State Legislation
IDENTIFIERS	*Occupational Safety and Health Act; OSHA

ABSTRACT

The Occupational Safety and Health Act (1970) concerns private schools but does not directly affect the operations of public schools or colleges. The intent, however, is to have the States develop and administer their own health and safety programs. Administrators should, therefore, initiate a comprehensive, districtwide safety education and accident prevention program. Three essential elements of such a program are management leadership, assignment of responsibility, and accident reporting and recordkeeping. (Author)

ED 077099

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS
105th Annual Convention
Atlantic City, N. J. February 24-28, 1973

SPEAKER: Kenneth F. Licht, Manager, School and College Department, National Safety Council, Chicago, Ill

TOPIC: THE OCCUPATIONAL SAFETY AND HEALTH ACT: IMPLICATIONS FOR SCHOOL ADMINISTRATION

PLACE: Borton Hall, Dennis Hotel

TIME: Monday, February 26, 2:30 P. M.

PROGRAM: Page 49

FOR RELEASE UPON DELIVERY

National policy was established on December 29, 1970, when President Nixon signed the Williams-Steiger Occupational Safety and Health Act of 1970 (PL 91-596). At that time President Nixon stated, "It is probably one of the most important pieces of legislation, from the standpoint of 55 million people who will be covered by it, ever passed by the Congress of the United States." The then Secretary of Labor James D. Hodgson called the act a "landmark piece of legislation that goes beyond the present workplace and considers the working environment of the future." The Act went into effect April 1, 1971, and since that time the interpretation and administration of the act have bothered and, indeed, bewildered, the business community--and not without reason. Changes in the law, and in the Administration itself, have added to the confusion. It really comes down to an employer saying, "What do I do in this particular situation?"

My purpose today is to try to make some sense of that confusion, as OSHA does have implications for public school administration. Let me say, however, that I am not an expert on OSHA and am not prepared to speak to the technicalities of the Act itself. But I can give an overview, and that's what I intend to do.

Perhaps the first thing you would understand about OSHA is that it didn't spring forth full blown, but grew out of many legislative conflicts, compromises and viewpoints covering many years. Weaknesses in state administration of safety laws and regulations, piecemeal and incomplete federal safety legislation, and a slight upturn in occupational accidents after 50 years of spectacular decline, combined at the right time and place to produce OSHA.

Note that the number of persons in the work force has grown steadily until we now have about 80 million workers. The number of accidental deaths fluctuated widely during the 30's and early forties, then settled down to an average of 14,000 for the last 15 years. The death rate, which is the number of deaths per 100,000 workers, has steadily decreased. In other words, despite an increase in the work force, the number of on-the-job fatalities has not increased in the same proportion.

EA 004 987

-more-

FILMED FROM BEST AVAILABLE COPY

On-the-job fatality figures for the past 10 years provide the rationale for OSHA. In that period fatal work accidents jumped 700, although the death rate decreased by 14%. Recognizing that a lowered death rate is no consolation to bereaved families, and fearing a possible reversal of the steady downtrend in on-the-job fatalities, OSHA was introduced as a countermeasure.

The stated purpose of the Act is "to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources."

The Act covers all non-governmental employers whose activities affect commerce (and that means virtually all employers) except those covered by other federal safety laws (e.g., mining). There are no exceptions for small firms - even an employer with one employee is covered.

If you've listened closely, you'll have noticed that I said "all non-governmental employees are covered." What about the public schools? Are they considered governmental, and if so, are they exempt?

The answers are "YES." If you are a public school or college, OSHA does not affect your operations. If you are a private school - day-care center, kindergarten, or major university, then you are now under the provisions of OSHA.

Now, don't stop listening because I've said that public schools are not covered by OSHA. The intent of OSHA is to have the states develop and administer their own health and safety programs, and the Act makes very clear provision for doing exactly that. Each state must submit its health and safety plan to the Secretary of Labor. Such plan must include assurances that the state will establish and maintain an effective and comprehensive occupational safety and health program at least as effective as the Federal Act and "applicable to all employees of public agencies of the state and its political subdivisions...." So far, virtually all the states and territories have submitted their plans, and eight have been approved. In other words, eventually every state plan will be approved, and at that time every public school system will be covered by OSHA provisions which have been translated into state law.

What are those provisions? They fall into two major categories: (1) Injury and illness records, and (2) on-site inspections. The record-keeping requirements include (a) a log of occupational injuries and illnesses; (b) supplemental records for each occupational injury and illness; and (c) an annual summary of occupational injuries and illnesses. The inspection provision permits authorized compliance personnel "to enter at any reasonable time any establishment to inspect the premises and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein, and to question privately any employer, owner, operator, agent or employee."

What are the responsibilities of the employer? First, he must

observe all standards that are applicable to his business. Second, he must keep accurate records of employee injuries and illnesses. Third, he must keep his employees informed of hazards involved in the job, protection available, and their obligations under the law. There is nothing in OSHA which says that an employer must have a safety program. It merely says that he will assure that his employees are aware of the safety problems. Finally, the employer must permit government inspection of his premises.

Enough for OSHA. The question is, how is it going to affect the operation of your school system?

The spin-off of OSHA will be felt by schools in two areas:

In the instructional program, and in the operation of the physical plant.

Depending upon how soon the state plan is approved by the Secretary of Labor, the effects of OSHA may first be felt in the operational aspects of your school district. Your business manager, supervisor of building and grounds, cafeteria manager, and other operations personnel will probably have their hands full becoming familiar with technicalities of the state safety and health law.

But over the long haul, there is no question in my mind but that your entire instructional program will need to be overhauled to provide for a comprehensive, sequential curriculum in safety and accident prevention.

Let me present my evidence to substantiate this contention.

This transparency (#3) compares the work accident picture with that of the child aged 5-14; kindergarten through junior high. The figures make it perfectly clear that the child accident picture for the past ten years at least twice as bad as for the work force. But if you think that's bad, you ain't seen nothin' yet! Here (transparency #4) we see the picture for the 15-24 age group - senior high thru college. The increase of more than 11,000 accidental fatalities in the past ten years - which amounts to a 23% rise - is nothing short of a national disgrace, in my opinion.

Chances are you teach driver education in your school system. Most high schools do, because in the 1970-71 school year more than 70% of the eligible students completed an approved high school driver education program. Chances are you teach driver education not so much by choice as by fiat; that is, state law probably requires it and provides some reimbursement to the school for each student trained.

Now, how do you feel about developing a K-12 traffic safety education program with emphasis in five specific areas, all of which would be topped off by your expanded and improved driver education program? Well, regardless of how you feel about it, that's exactly what the Department of Transportation has in mind for you. Here's part of the revised Highway Safety Program Standards which are being considered by the National Highway Traffic Safety Administration.

In brief, I think you'll see pressure from the consumer demanding vastly improved school safety education; and I think you'll see federal

-more-

legislation requiring - at the very least - a K-12 traffic safety education curriculum. If you want more evidence, here's what Mr. Jerry Dempsey, a practicing OSHA compliance officer, had to say at our National Safety Congress in October: "I believe that you will find that as far as schools and colleges are concerned, the impact (of OSHA) on your educational requirements and responsibilities are going to be greater than on your employee-employer relationship responsibilities. All these young people are tomorrow's leader's and tomorrow's workers. Until the educational institutions start with the first grade teaching safety and health right through high school and college, we are not really going to affect too much of a reduction in our personnel losses. The pressure is going to come from employers and the business community who will put pressures on the schools to train the people properly in the first place."

Maybe this OSHA representative knows something we don't know??

So much for the instructional aspects you're going to have to deal with. What about improving the health and safety environment for your staff? Regrettably, we don't know too much about the accident severity and frequency rate of teahcers and other school employees. But here's what one insurer reports: We hear about teacher assaults daily, it seems, and in these days of the open campus we're concerned about security. Rightly so. But accidents are daily, insidious events which taken individually often don't amount to much. But year after year, your school system is throwing money away on property damage and personal injury losses which easily could've been prevented. As teacher unions grow in strength, and as they see the effects of OSHA on industry, you can be sure they'll bring pressure for improved working conditions. When and if CAPE comes into being, you can be sure that safety will be included in their demands.

Finally, consider the "Band-wagon effect " Everybody wants to get into the act, as Durante would say. Here's the way one legislator has hitched his wagon to the OSHA star: The House Labor subcommittee, which heard testimony on Congressman Dellums bill late last year, promised more extensive hearings in 1973.

Well, I've tried to show that OSHA and other pressures are very likely to force the development of safety education and accident prevention programs for public school students and staff. Another pressure which I haven't mentioned but which I suspect you're familiar with is the clear trend toward abrogation of school immunity for tort liability. About half the states have taken either judicial or legislative action to do away with the idea that "the King can do no wrong," and it's reasonable to assume that all the states will eventually eliminate this time-worn concept.

The question remains, however, what should school administrators do?

The answer is simple. And even though it may cost you some money to implement that answer you'll probably save money in the long run. The simple answer, of course, is to initiate a comprehensive, district-wide safety education and accident prevention program. There are three absolutely essential elements of such a program. (Transparency #12)

First: MANAGEMENT LEADERSHIP You can bet your bottom dollar if

the administration doesn't really care about safety and accident prevention, neither will the staff or students. But once the board and superintendent have established and announced their philosophy and purpose in a policy statement, things will begin to happen. Such a policy sets the tone for the entire district. It sets goals and direction. It provides for carry-over if the superintendent should leave. As Stuart Holbrook expressed it in his story of the safety movement: "Modern-day accident prevention doesn't begin with the workman; it ends there. It must start with the Big Boss himself." He's right!

Second: ASSIGNMENT OF RESPONSIBILITY The policy is not the program, just as the map is not the territory. So the safety job has to be assigned to a professional staff person who will be held accountable for results. He must be given staff and budget commensurate with the task. It's no simple job. As Bill Johnson, former NSC general manager expressed it to the Association of School Business Officials Convention several years ago: "I truly believe a school district with a staff and student enrollment of 10,000, has a wider range of safety problems than a manufacturing plant with 10,000 employees." Such a manufacturing plant would certainly have a safety engineer with an assistant or two, a nurse,and probably an industrial hygienist. Your school safety program may have to do with one man and perhaps a secretary. But that's a start. Incidentally, as a guide for staffing one study indicated that any school district with an enrollment and a staff population of 20,000 should have a full-time safety director with statistical and clerical help.

And the third vital element in your safety program is ACCIDENT REPORTING AND RECORD-KEEPING. This is the "guts" of your program. It tells you where you've been and where you're going. It provides the information you need to locate trouble spots, trends, and high-risk areas. But remember, accident records are designed for one essential purpose - accident prevention, not as defense in possible litigation; although, of course, they may become that, too.

With those three elements your safety program is off to a good start. Without them, you don't even have a program. If the National Safety Council can help you get your program started, or help you improve your existing program please let us know. Accident prevention is our business.

###